

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUINCIE BARDEL,

Defendant.

15-CR-654 (SHS)

MEMORANDUM ORDER

SIDNEY H. STEIN, U.S. District Judge.

The Court has received defendant Quincie Bardel's pro se letter requesting that he be placed in home confinement in light of the COVID-19 pandemic. (ECF No. 175.)


"A court may not modify a term of imprisonment once it has been imposed except pursuant to statute." *United States v. Gotti*, No. 02 CR 743-07 (CM), 2020 WL 497987, at \*1 (S.D.N.Y. Jan. 15, 2020). Here, the legal basis for Bardel's request is unclear. The recently enacted Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020), does not authorize the Court to place a defendant in home confinement; only the Bureau of Prisons (BOP) has such authority. *See id.* 120003(b); *see also* 18 U.S.C. § 3624(c)(2). Rather, the Court will construe Bardel's request as one made pursuant to 18 U.S.C. § 3582(c)(1)(A), sometimes referred to as the "compassionate release" statute.

That statute, however, allows for a sentence reduction only "upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A). Here, there is no indication that Bardel has requested that the BOP bring such a motion on his behalf. At this time, then, the Court lacks authority to consider Bardel's request. His request to be released on home confinement is therefore denied without prejudice. A copy of this Memorandum Order has been mailed to the defendant by chambers.

Dated: New York, New York

April 21, 2020

SO ORDERED



SIDNEY H. STEIN  
U.S.D.J.